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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,853	03/13/2000	Hadi Partovi	22379-710	6249

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WAGNER, MURABITO & HAO LLP  
TWO NORTH MARKET STREET  
THIRD FLOOR  
SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/05/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2003 has been entered.

Claims 1, 3-5, and 7-22 are presented for examination. Claims 2 and 6 are cancelled without prejudice. Claims 1, 3-5, 7-10 and 13 have been amended. Claims 14-22 have been added as new claims.

***Claim Objections***

2. Claims 7 and 10 are objected to because of the following informalities:

Claim 7 on page 3 of the Amendment C, "The method of claim 6, wherein ..." should be "The method of claim 1, wherein ..."

Claim 10 on page 4 of the Amendment C, "... includes a caller number (CIDs) identification (CID), wherein ..." should be "... includes a caller number identification (CID), wherein ..."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4. Claims 1, 3-5 and 7-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. (US 2003/0147518), herein after referred as Albal.**

5. As to claim 1, Albal teaches a method of using a telephone identifying information to present information over a telephone interface using a first computer, the method comprising:

selecting at least one voice character prosody setting of a language based on the telephone identifying information, wherein the voice character prosody setting comprises a speech pattern selected from a set of speech patterns, wherein a speech

pattern identifies an intonation for presenting said language (Albal, paragraphs [0047] – [0048]); and

presenting information according to the at least one voice character prosody setting over the telephone interface using the first computer (Albal, paragraphs [0047] – [0048]).

6. As to claims 3-4 and 7, Albal teaches the method of claim 1, wherein the telephone identifying information is used to identify a locale (e.g., a hospital or a nursing home) associated with a corresponding or preferred speech pattern (e.g., a high volume level or slower speech pattern) of the set of speech patterns (based upon a user profile, the user's communication device, the user's telephone number through the use of automatic number identification "ANI" or caller line identification "CLI", and/or the user's speech patterns), and the voice character prosody setting comprises the corresponding speech pattern of the set of speech patterns (Albal, paragraphs [0047] – [0048]).

7. As to claims 5 and 21-22, Albal teaches the method of claim 1, wherein the voice character prosody setting further comprises a particular voice actor (i.e., the node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc.) and a particular speed and a particular volume level (the communication node 212 can also allow the user to select a particular speech pattern based on the user profile, the user's communication device, and/or the user's speech patterns) (Albal, paragraphs [0047]).

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8. As to claim 8, Albal teaches a computer supporting user personalized profiles using a telephone identifying information, a telephone interface, and an Internet interface, the computer system comprising:

a database (a database server unit 244 of the communication node 212) including personalization profiles for a plurality of users, each profile defining preferences, personalizing a corresponding user's interactions with the computer system, and indicating a voice character prosody setting of a language, wherein the voice character prosody setting comprises a speech pattern selected from a set of speech patterns, wherein a speech pattern identifies an intonation for presenting information using a language;

a server (an application server 242, a gateway server or a router firewall server 246 of the communication node 212) supporting the Internet interface, the server allowing access to, and modification of, the personalization profiles by the corresponding users;

a telephone interface subsystem (a telephone switch 230 of the communication node 212) supporting the telephone interface to receive the telephone identifying information through the use of automatic number identification "ANI" or caller line identification "CLI" to access the corresponding personalization/user profile (Albal, Fig. 9 and corresponding text).

9. Claim 9 is a corresponding computer system claim of claim 3; therefore, it is rejected under the same rationale.

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10. As to claim 10, Albal teaches the computer system of claim 8, wherein the telephone identifying information includes a caller number identification (CID), wherein the CID is used by the first program code to perform matching of calls to a personalization/user profile of said database (Albal, paragraph [0047] – [0048]).

11. As to claim 11, Albal teaches the computer system of claim 8, wherein the server includes a web server (the content providers 208 and 221 can include a server to operate web pages or documents in form of a markup language) for presenting customized interfaces to users to access and modify the personalization profiles (Albal, Fig. 9 and corresponding text, paragraph [0079]).

12. As to claim 12, Albal teaches the computer system of claim 8, wherein the telephone interface subsystem includes a call manager (the telephone switch 230), the call manager supporting multiple simultaneous telephone calls over the telephone interface (Albal, Fig. 9 and corresponding text, paragraph [0055] – [0056]).

13. Claim 13 is a corresponding claim of claim 8; therefore, it is rejected under the same rationale.

14. Claims 14-20 are corresponding claims of claims 1, 3-4 and 21-22; therefore, they are rejected under the same rationale.

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15. Applicant's arguments with respect to claims 1, 8 and 13 have been considered but are moot in view of the new ground(s) of rejection.

16. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.



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17. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

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LE HIEN LUU  
PRIMARY EXAMINER